

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0237-02
Bill No.: SCS for HB 80 with SA1, SA2, SA3, SA4, SA6, SA7, SA10, SA12, SA13, SA14
Subject: Multi-Jurisdictional Anti-Fraud Enforcement Groups.
Type: Original
Date: May 16, 2001

FISCAL SUMMARY

| ESTIMATED NET EFFECT ON STATE FUNDS | | | |
|--|---------------------------------|---------------------------------|---------------------------------|
| FUND AFFECTED | FY 2002 | FY 2003 | FY 2004 |
| General Revenue* | \$0 to (Unknown) | \$0 to (Unknown) | \$0 to (Unknown) |
| Crime Victims' Compensation Fund* | \$0 to \$5,063,686 | \$0 to \$4,763,570 | \$0 to \$5,055,127 |
| Highway Funds | (\$59,825) | (\$57,019) | \$0 |
| Total Estimated Net Effect on <u>All</u> State Funds* | \$5,003,861 to (Unknown) | \$4,706,551 to (Unknown) | \$5,055,127 to (Unknown) |

* Partially subject to appropriation

| ESTIMATED NET EFFECT ON FEDERAL FUNDS | | | |
|---|----------------|----------------|----------------|
| FUND AFFECTED | FY 2002 | FY 2003 | FY 2004 |
| Victims of Crime Act Grant * | \$0 | \$0 | \$0 |
| Total Estimated Net Effect on <u>All</u> Federal Funds | \$0 | \$0 | \$0 |

| ESTIMATED NET EFFECT ON LOCAL FUNDS | | | |
|--|----------------------|----------------------|----------------------|
| FUND AFFECTED | FY 2002 | FY 2003 | FY 2004 |
| Local Government | Unknown to (Unknown) | Unknown to (Unknown) | Unknown to (Unknown) |

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 21 pages.

FISCAL ANALYSIS

ASSUMPTION

Authorizing the creation of law enforcement districts and multi jurisdictional antifraud enforcement groups.

Officials from the **Jefferson City Police Department**, **Boone County Sheriff's Department** and the **Department of Conservation** assume the proposed legislation would have no fiscal impact on their agencies.

In response to similar legislation from this year, officials from the **Department of Public Safety - Missouri Highway Patrol (MHP)** and the **St. Louis Metropolitan Police Department** assume the proposed legislation would have no fiscal impact on their agencies.

In response to similar legislation from this year, officials from the **Department of Public Safety - Director's Office (DPS)** assumed they would require 1 FTE Public Safety Manager to work with the antifraud task forces to ensure that funds are spent in accordance with the grant contracts, 1 FTE Program Representative to be responsible for monitoring the activities of the antifraud task forces, 1 FTE Accountant to provide financial support and auditing of the antifraud task forces grants, 1 FTE Clerk Typist III to provide clerical support to the program, 1 FTE Computer Information Technologist III to provide technological support, and the related expense and equipment for each position. Over the past seven years DPS has automated all of their grant programs and plan to automate this program.

Oversight assumes the language of this proposal is permissive. Any fiscal impact would appear to be contingent upon whether any political subdivisions cooperate to form a multijurisdictional antifraud enforcement group and whether funds are made available by the general assembly.

Authorizing the creation of law enforcement districts in Camden County;

In response to similar legislation from this year, officials of the **Department of Public Safety** assumed this part of the proposal would not fiscally impact their department.

In response to similar legislation from this year, **Camden County** officials assumed this part of the proposal would require a citizens petition to create and , therefore, there would be no fiscal impact. Should a district be established officials assume there would be income from a property tax and costs from providing law enforcement projects.

ASSUMPTION (continued)

Oversight assumes this part of the proposal is permissive and would require voter petition, and approval before fiscal impact would be realized. The district, if established, would have income from property taxes, which could not exceed 6 cents per one hundred dollars of assessed valuation, and the district would have costs related to providing projects for law enforcement. Oversight assumes that annual costs would not exceed revenues resulting in either an annual positive fund balance, or an annual zero fiscal impact. Oversight shows no fiscal impact for this part of the proposal.

Senate Amendment 1:

In response to similar legislation from this year, officials from the **Office of State Public Defender, Office of Prosecution Services, Boone County, and Office of State Courts Administrator** assumed no fiscal impact to their agencies.

Senate Amendment 2:

Officials from the **Department of Revenue (DOR)** assume the Driver and Vehicle Services Bureau will require 2 Clerk Typist II positions to update confidential records, prepare correspondence and manually process all renewal and record modifications for these records.

The Driver and Vehicle Services Bureau currently maintains confidential records on 240 probation, parole and pretrial officers. This represents approximately 17% of the 1,500 probation, parole and pretrial officers throughout the state. Although there are 240 probation, parole and pretrial officers who have requested records to be marked confidential, this affects approximately 1,200 records because individuals may have multiple motor vehicle records. These records are maintained in a separate database and require special processing in order to ensure integrity and security in the confidentiality of the record information.

DOR has obtained information from the Department of Public Safety indicating that there are approximately 17,000 law enforcement officers statewide. The Driver and Vehicle Services Bureau assumes the same percent of law enforcement officers will request to have their records marked "confidential".

$17,000 \times 17\% = 2,890$ individuals who will request that their records be marked as "confidential". Factoring multiple motor vehicle registration records, the Driver and Vehicle Services Bureau assumes that this increased number of individuals who will request that their records be marked "confidential" will affect 14,450 records. **This represents an increased workload of 1,100%.**

ASSUMPTION (continued)

DOR assumes 2 FTE and related expense and equipment would be needed to implement this proposal.

Oversight assumes these employees can be located in existing space, and has adjusted the cost to DOR accordingly. DOR requested the additional employees to maintain a separate secured database pending security improvements to be added to the vehicle registration computer system, and expects to be able to provide the needed security for these registrations without the separate database when improvements to the vehicle licensing system are completed. Accordingly, Oversight has estimated fiscal impact for FY 2002 and FY 2003 only. Oversight also assumes that immediate family is limited to the spouse and children of the peace officer for the purposes of this proposal.

Senate Amendment 3:

Officials of the **Department of Economic Development - Divisions of Finance and Credit Unions** assume the proposal would have no fiscal impact on their agencies.

In response to similar legislation from this year, officials of the **Office of the Jackson County Prosecuting Attorney** stated that this proposal would provide for an increase in the administrative handling fees.

In response to similar legislation from this year, officials of the **Office of Boone County Prosecuting Attorney** stated that the proposed legislation is tied to a legal action rather than to the processing of a bad check, the bill encourages multiple filings and litigation. With every lawsuit filed, there is the expense of filing the charge, serving the defendant with notice, etc.. Officials stated that their office packages the administrative fees with each check on one law suit. Officials stated that the collection of administrative fees under this proposal might be increased, but the cost of collecting the fees would be significantly higher.

In response to similar legislation from this year, officials of the **Office of State Courts Administrators** stated there would be no fiscal impact on the Courts.

Oversight assumes that the proposal would increase the fees assessed by prosecuting or circuit attorneys on returned checks, and that counties would consequently collect additional revenues from such fees. The amount of increased collections cannot be reasonably determined.

ASSUMPTION (continued)

Senate Amendment 4:

In response to a similar proposal from a previous legislative session, officials from the **Department of Public Safety – Missouri State Highway Patrol (MHP)** stated that MHP has had 11 officers killed in the line of duty since 1969, an average of one officer every 2.72 years. The statewide average of officers killed in the line of duty is 3 officers per year. However, since the Patrol cannot estimate the number of officers killed in any given year, MHP officials cannot estimate the fiscal impact for the death benefit.

In response to a similar proposal last session (HB 1665), officials from the **Department of Public Safety (DPS) – Director’s Office** assumed there could be unknown costs as a result of this proposal as it would pay a death benefit to the surviving spouse or child of a public safety officer who was killed in the line of duty. As of February 2000, there were 19,000 police officers in the State of Missouri.

In response to a similar proposal last session (HB 1665), officials from the **Department of Public Safety – Division of Fire Safety (DFS)** assumed they would request appropriations to provide death benefits to families of public safety officers killed in the line of duty. DFS estimates 4 fire fighter deaths per year and assumes the death benefits would be paid to the victim’s survivors. DFS assumes the benefits would be paid from the general revenue fund.

In response to a similar proposal from a previous legislative session, officials from the DPS’s **Missouri Capitol Police, Missouri National Guard, and the Missouri State Water Patrol** assumed the proposed legislation would have no fiscal impact on their agencies.

Officials from the **Department of Natural Resources (DNR)** assumed this part of the proposal would provide death benefits of \$150,000 subject to appropriation for relatives outlined in this proposal of public safety officers who are killed in the line of duty.

The definition of a public safety officer includes DNR's state park rangers. DNR has 47 state park rangers and 22 commissioned state park superintendents that would be included in the definition of a public safety officer and therefore eligible for death benefits.

Officials from the **Department of Conservation (MDC)** assume this amendment could have impact on MDC funds because of the establishment of a \$150,000 death benefit for conservation agents who die in the line of duty. The amount of fiscal impact for any one incident could be significant. However, no major impact is anticipated in the long-term because of infrequent occurrence.

ASSUMPTION (continued)

In response to a similar proposal from a previous legislative session, officials from the **Department of Corrections (DOC)** assumed that DOC employees would meet the criteria of “public safety officer” pursuant to the proposal. There would be no fiscal impact to the DOC due to the enactment of the proposal. DOC noted that there have been three employees killed in the line of duty over the past 25 years. A DOC officer was slain at Jefferson City Correctional Center (fka Missouri State Penitentiary) in 1975 and also in 1979. Another DOC officer died as a result of a stabbing at Moberly Correctional Center (fka Moberly Training Center for Men) in 1983.

In response to a similar proposal last session (HB 1665), officials from the **Department of Transportation (DHT)** assumed the majority of the salaries and benefits provided to officers employed by MHP come from the Highway Fund. Therefore, any additional appropriations to fund this program would result in a reduction in funding to the DHT. However, DHT cannot estimate the number of deaths that may occur in any given year.

Oversight assumes there could be a fiscal impact to the State of \$150,000 per officer who dies in the line of duty. As no specific funding source is named in this proposal, Oversight assumes that death benefits would be paid from the General Revenue Fund. Based on the information provided by the Missouri State Highway Patrol and the Division of Fire Safety, Oversight assumes the annual average number of officers who die in the line of duty would be 3 police officers and 4 fire fighters. The annual cost to the Department of Public Safety of the proposal is estimated to be 7 officers x \$150,000 = \$1,050,000, but could exceed this amount in any given fiscal year.

Senate Amendment 6:

In response to similar legislation from this year, officials from the **Office of the State Auditor, Office of the State Treasurer, Department of Corrections, Department of Transportation,** and the **Department of Revenue** assumed the proposed legislation would have no fiscal impact on their agencies.

In response to similar legislation from this year, officials from the **Office of State Courts Administrator (CTS)** assume there would be no appreciable change in collection costs within the judiciary. CTS reports \$5,362, 831 in FY 2000 collections for the Crime Victims Compensation Fund.

In response to similar legislation from this year, officials from the **Department of Labor and Industrial Relations (DOL)** assume the proposed legislation would have no fiscal impact on their agency. The long-range fiscal impact to DOL is unknown. The DOL believes that the

ASSUMPTION (continued)

additional surcharge for criminal court proceedings, including some juvenile criminal proceedings, will provide enough additional funding to adequately fund administrative and operational expenses for the Office of Crime Victims as well as the costs associated with the administration of the proposed crime victim notification system.

Officials from the **Department of Public Safety (DPS)** assume the Victim Information and Notification System (VINES) will be developed. The expenses related to the implementation of the VINES system will need to be determined by DPS. Federal funds from the Victims of Crime Act may be utilized for implementation and startup costs of VINES. Without a formal plan and agreement, the implementation and startup costs for VINES cannot be estimated with accuracy. Ongoing personnel costs, computer maintenance and upgrade costs, etc., for the VINES system would have to be supported by the revenue collected from the \$5 court cost.

REVENUES

DPS estimates that the current \$5 fee results in approximately \$3 million in annual revenue. Therefore, the \$5 increase in court costs could result in potentially similar revenue collections. These funds would be used to support the Office of the Victims of Crime.

Oversight assumes the DPS estimate of receipts is based on their part of total court costs distributed, and has used the Office of State Courts Administrator estimate of revenues for this fiscal note.

EXPENDITURES

DPS estimates it would require 5 FTE plus equipment and expenses, as follows:

| Category | FY 2002 (10 months) | FY 2003 | FY 2004 |
|------------------|---------------------|-----------|-----------|
| Salaries (5 FTE) | \$172,620 | \$212,323 | \$217,631 |
| Benefits | \$57,534 | \$70,767 | \$72,536 |
| Equipment | \$58,963 | \$8,325 | \$8,325 |
| Expense | \$104,310 | \$43,760 | \$43,760 |
| Total | \$393,427 | \$335,175 | \$342,252 |

ASSUMPTION (continued)

Oversight has reduced these estimates in accordance with OA guidelines for equipment and expense, and has reduced the amounts estimated for office rent, renovations, offsite computer connections, copier, fax, and utilities assuming the relatively limited number of new staff can be located in existing facilities.

Oversight assumes the costs and benefits of the proposed VINES system would be investigated and the system established only if the benefits justify the costs and the system is considered economically and operationally feasible. Oversight assumes the court cost increase proposed, supplemented by any federal funding which would be available, would be adequate to fund the VINES system. Therefore, Oversight has shown the cost of the system as unknown but assumed to be less than funding available from the court fee increase.

Senate Amendment 7 - Swearing in of sheriffs:

In response to similar legislation from this year, officials from the **Department of Public Safety** assumed this part of the proposal would not fiscally impact their agency.

Oversight assumes this amendment would have no fiscal impact to the local political subdivisions.

Senate Amendment 10 - Resubmit to voters of Kansas City a bond issue and sales tax before a 12 month lapse since the last defeat of the issue:

Officials from the **Office of the Secretary of State** assume this part of the proposal would not fiscally impact their agency.

Officials from the **City of Kansas City** stated this part of the proposal would allow Kansas City to put before the voters an issue regarding light rail in Kansas City.

Oversight assumes this part of the proposal would not have a fiscal impact to the state or the City of Kansas City, since it is subject to voter approval.

Senate Amendment 12 - Peace Officer Standards and Training:

In response to similar legislation from last year, officials from the **Department of Conservation**,

ASSUMPTION (continued)

Office of the State Courts Administrator, and the **Department of Public Safety** each assumed the proposal would not fiscally impact their respective agencies.

In response to similar legislation from this year, officials from the **Office of Prosecution Services** assumed this proposal would not fiscally impact their agency.

In response to a similar proposal from last session, officials from the **Department of Public Safety - Peace Officer Standards and Training** assumed this legislation would not fiscally impact their agency.

In response to similar legislation from last year, officials from the **Department of Health (DOH)** stated that this proposal would not affect them because curriculum for domestic violence and family violence training for peace officers has already been implemented. No new duties for DOH would occur.

In response to similar legislation from last year, officials from the **Office of the State Public Defender** assumed that existing staff could provide representation for those cases arising where indigent persons were charged with a B Misdemeanor for fraudulently holding a peace officer commission. However, passage of more than one similar bill would require the State Public Defender System to request increased appropriations to cover cumulative cost of representing the indigent accused in the additional cases.

In response to similar legislation from last year, officials from the **Office of Secretary of State (SOS)** assume there would be costs due to additional publishing duties related to the Department of Public Safety's authority to promulgate rules, regulations, and forms. SOS estimates the division could require approximately 32 new pages of regulations in the Code of State Regulations at a cost of \$27.00 per page, and 48 new pages in the Missouri Register at a cost of \$23.00 per page. Costs due to this proposal would be \$1,968, however, the actual fiscal impact would be dependent upon the actual rule-making authority and may be more or less. Financial impact in subsequent fiscal years would depend entirely on the number, length, and frequency of the rules filed, amended, rescinded, or withdrawn. SOS does not anticipate the need for additional staff as a result of this proposal; however, the enactment of more than one similar proposal may, in the aggregate, necessitate additional staff.

Oversight assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process. Any decisions to raise fees to defray costs would likely be made in subsequent fiscal years.

ASSUMPTION (continued)

RAS:LR:OD (12/00)

In response to similar legislation from this year, officials from the **Department of Natural Resources (DNR)** stated the legislation addresses the level of certified training requirements for peace officers, certified reserve officers, & reserve officers.

The DNR stated that their state park rangers are currently responsible for meeting the 470 hour training requirement pursuant to section 590.105.1. RSMo. Therefore, this legislation does not fiscally impact their department.

The legislation requires the DNR to notify, within 30 days, the POST Commission of all departures from employment of commissioned peace officers, indicating in certain situations.

The legislation requires any applicant to a certified law enforcement training center to submit fingerprints and an authorization for a criminal history background check, including FBI records. The cost of the criminal history check may be borne by the applicant. The DNR already incurs the cost of the criminal background checks when sending applicants to the peace officer certification program.

In response to similar legislation from this year, officials from the **Jefferson City Police Department** assumed that while there would be savings in their general revenue funded expenditures, the amount of that saving would be dependent on levels and availability of training. This varies during fiscal years. If enacted, they would be able to increase training for other employees.

In response to similar legislation from last year, officials from the **Johnson County Sheriff's Department** and the **Boone County Sheriff's Department** each assume this proposal would not fiscally impact their respective agencies.

Oversight assumes for purposes of this fiscal note that if local law enforcement offices elected to pay for additional training required under this proposal for certification, there would be unknown costs to local governments. However, these costs would likely be minimal since the proposal appears to allow payment by local governments for additional training costs only if excess funds are available and appears to allow a county of the third classification to adopt an order or ordinance approving certification with only one hundred and twenty hours of training.

Senate Amendment 13 - Prohibits use of internet web site to cause a user to unwittingly incur long-distance telephone charges;

In response to similar legislation from this year, officials from the **Attorney General's Office**

ASSUMPTION (continued)

and the **Office of State Courts Administrator** assumed the proposed legislation would have no fiscal impact on their agencies.

Officials from the **Office of Prosecution Services (OPS)** assume the proposed legislation would have no fiscal impact on their agency. However, in response to an identical proposal in a previous legislative session, OPS assumed the proposal would create a new misdemeanor offense and may impact prosecutor's caseloads. OPS assumed these cases could be picked up by the county budgetary process and would have no significant fiscal impact.

In response to similar legislation from this year, officials from the **Office of the State Public Defender** assumed existing staff could provide representation for indigent persons accused of the class A misdemeanor or class C felony of operating a website that causes another person's computer to dial a long distance telephone number without that other person's knowledge.

In response to similar legislation from this year, officials from the **Department of Corrections (DOC)** stated that they could not predict the number of new commitments which could result from the creation of the offense(s) outlined in the proposal. An increase in commitments would depend on the utilization of prosecutors and the actual sentences imposed by the courts. If additional persons were sentenced to the custody of the DOC due to the provisions of this legislation, the DOC would incur a corresponding increase in operational costs either through incarceration (FY99 average \$35.61 per inmate, per day) or through supervision provided by the Board of Probation and Parole (FY 99 average \$2.47 per offender, per day). Supervision by the DOC through probation or incarceration would result in some additional costs, but DOC officials assume that the impact would be \$0 or a minimal amount that could be absorbed within existing resources.

The following factors contribute to DOC's minimal assumption:

- DOC assumes the narrow scope of the crime will not encompass a large number of offenders.
- The low felony status of the crime enhances the possibility of plea-bargaining or imposition of a probation sentence.
- The probability exists that offenders would be charged with a similar but more serious offense or that sentences may run concurrent to one another.

If long-range fiscal impact would prove to be an amount in excess of that which could be absorbed by DOC, any costs profiled in this fiscal note would be requested through normal budgetary request procedures for the time periods affected by passage of this legislation. The need for additional capital improvements or rental space is not anticipated at this time. It

ASSUMPTION (continued)

must be noted that the cumulative effect of various new legislation, if adopted, could result in the need for additional capital improvements funding if the total number of new offenders exceeds current planned capacity.

Oversight assumes that the conviction and incarceration of only one person would create a minimal fiscal impact of less than \$100,000 annually.

Senate Amendment 14 - Expands custody without warrant:

In response to similar legislation from this year, officials from the **Department of Public Safety** - divisions of **Missouri Highway Patrol, Fire Safety, Liquor Control, Capitol Police** and the **Missouri Water Patrol** each assumed the proposal would not fiscally impact their respective agencies.

In response to similar legislation from this, officials from the **Office of Prosecution Services** and the **Office of the State Courts Administrator** assumed there would be no fiscal impact on their respective agencies.

In response to similar legislation from last year, officials of the **State Public Defender** assumed that existing staff could provide representation for those 15-20 cases arising where the indigent persons were charged due to the increased amount of time the prosecution would have to file charges. However, passage of more than one similar bill would require the State Public Defender System to request increased appropriations to cover the cumulative cost of representing the indigent accused.

In response to similar legislation from last year, officials from the **Office of the Attorney General** assumed the proposal would not fiscally impact their agency.

In response to similar legislation from last year, officials from the **Boone County Sheriff's Department** assume there will be an increase in costs of approximately \$6,000 per year to their agency for the increased time that they will have to house the people arrested.

In response to similar legislation from last year, officials from the **Department of Corrections (DOC)** stated that they could not predict the number of new commitments which could result from the creation of the offense(s) outlined in the proposal. An increase in commitments would depend on the utilization of prosecutors and the actual sentences imposed by the courts.

If additional persons were sentenced to the custody of the DOC due to the provisions of this

ASSUMPTION (continued)

legislation, the DOC would incur a corresponding increase in operational costs either through supervision provided by the Board of Probation and Parole (FY 99 average \$2.47 per offender, per day).

Supervision by the DOC through probation would result in some additional costs, but DOC officials assume that the impact would be \$0 or a minimal amount that could be absorbed within existing resources.

Oversight assumes there could be some increase in local jail populations as a result of this proposal. However, Oversight assumes this would be at the discretion of the political subdivisions and any fiscal impact to them should be minimal.

| <u>FISCAL IMPACT - State Government</u> | FY 2002 (10 Mo.) | FY 2003 | FY 2004 |
|---|---------------------------------|---------------------------------|---------------------------------|
| GENERAL REVENUE FUND | | | |
| <u>Costs</u> - Department of Public Safety Admin of multijurisd. antifraud enforcement groups | \$0 to (Unknown) | \$0 to (Unknown) | \$0 to (Unknown) |
| <u>Costs</u> - Grants to multijurisdictional antifraud enforcement groups * | \$0 to (Unknown) | \$0 to (Unknown) | \$0 to (Unknown) |
| <u>Cost</u> - Department of Public Safety Death Benefit** (SA 4) | \$0 to (Unknown) | \$0 to (Unknown) | \$0 to (Unknown) |
| <u>Cost</u> - Department of Corrections Incarceration/Probation costs (SA 12) | Less than <u>(\$100,000)</u> | Less than <u>(\$100,000)</u> | Less than <u>(\$100,000)</u> |
| ESTIMATED NET EFFECT TO GENERAL REVENUE FUND | \$0 to (UNKNOWN) | \$0 to (UNKNOWN) | \$0 to (UNKNOWN) |

* **SUBJECT TO APPROPRIATIONS - could exceed \$100,000 in any given year.**

** **Could exceed \$1,050,000 in any given fiscal year**

CRIME VICTIMS' COMPENSATION FUND

RAS:LR:OD (12/00)

| <u>FISCAL IMPACT - State Government</u> | FY 2002 (10 Mo.) | FY 2003 | FY 2004 |
|--|---|---|---|
| <u>Revenues - Department of Public Safety</u> | | | |
| Court cost increase | \$5,362, 831 | \$5,362, 831 | \$5,362, 831 |
| <u>Cost - Department of Public Safety</u> | | | |
| Personal Service* | (\$172,620) | (\$212,323) | (\$217,631) |
| Fringe Benefits* | (\$57,534) | (\$70,767) | (\$72,536) |
| Equipment* | (\$52,461) | \$0 | \$0 |
| Expense* | (\$16,530) | (\$17,026) | (\$17,537) |
| Statewide victim notification system** | (Unknown) | (Unknown) | (Unknown) |
| Total cost ** | (\$299,145 to <u>\$5,362,831</u>) | (\$599,261 to <u>\$5,362,831</u>) | (\$307,704 to <u>\$5,362,831</u>) |
| ESTIMATED NET EFFECT ON CRIME VICTIMS' COMPENSATION FUND (SA 6) | <u>\$0 to</u> <u>\$5,063,686</u> | <u>\$0 to</u> <u>\$4,763,570</u> | <u>\$0 to</u> <u>\$5,055,127</u> |

* subject to appropriation

** assumed to be less than court fee funding available

HIGHWAY FUNDS

| | | | |
|---|--------------------------|--------------------------|-------------------|
| <u>Cost - Department of Revenue</u> | | | |
| Temporary Maintenance of Secured Database | | | |
| Personal Service (2 FTE) | (\$34,120) | (\$41,968) | \$0 |
| Fringe Benefits | (\$11,372) | (\$13,988) | \$0 |
| Equipment | (\$13,473) | \$0 | \$0 |
| Expense | <u>(\$860)</u> | <u>(\$1,063)</u> | <u>\$0</u> |
| ESTIMATED NET EFFECT ON HIGHWAY FUNDS (SA 2) | <u>(\$59,825)</u> | <u>(\$57,019)</u> | <u>\$0</u> |

FEDERAL FUNDSRevenue - Department of Public Safety

RAS:LR:OD (12/00)

| <u>FISCAL IMPACT - State Government</u> | FY 2002 (10 Mo.) | FY 2003 | FY 2004 |
|--|---------------------|-------------------|-------------------|
| Victims of Crime Act Grant | Unknown | Unknown | Unknown |
| <u>Expenditures</u> - Depart. of Public Safety | | | |
| Statewide victim notification system | <u>(Unknown)</u> | <u>(Unknown)</u> | <u>(Unknown)</u> |
| ESTIMATED NET EFFECT ON FEDERAL FUNDS | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> |

| <u>FISCAL IMPACT - Local Government</u> | FY 2002 (10 Mo.) | FY 2003 | FY 2004 |
|---|-----------------------------|-----------------------------|-----------------------------|
| POLITICAL SUBDIVISIONS | | | |
| <u>Income</u> - Grants * | \$0 to Unknown | \$0 to Unknown | \$0 to Unknown |
| <u>Costs</u> - Operation of multijurisdictional antifraud enforcement groups | \$0 to <u>(Unknown)</u> | \$0 to <u>(Unknown)</u> | \$0 to <u>(Unknown)</u> |
| ESTIMATED NET EFFECT TO POLITICAL SUBDIVISIONS | \$0 to (UNKNOWN) | \$0 to (UNKNOWN) | \$0 to (UNKNOWN) |

* **SUBJECT TO APPROPRIATIONS - could exceed \$100,000 in any given year.**

COUNTIES

| | | | |
|--|-----------------------|-----------------------|-----------------------|
| <u>Income</u> -increased fees for bad checks (SA 3) | <u>UNKNOWN</u> | <u>UNKNOWN</u> | <u>UNKNOWN</u> |
|--|-----------------------|-----------------------|-----------------------|

FISCAL IMPACT - Small Business

Small business located within the boundaries of a law enforcement district would realize the cost of paying an additional property tax.

DESCRIPTION

The proposed legislation allows political subdivisions to form groups for the purpose of investigating fraudulent activities. The proposal:

RAS:LR:OD (12/00)

- (1) Defines a "multijurisdictional antifraud enforcement group" (MAEG) as a combination of political subdivisions that are formed, by ordinance, to investigate fraud (Sections 70.827, 70.829);
- (2) Grants officers authorized as MAEG members the power of arrest, which can be exercised anywhere in the state if notification is given to the authorities of the venue (Section 70.829);
- (3) Permits the formation of a MAEG across state lines, if permitted by the bordering state. Law enforcement officers from the bordering states may be deputized locally (Section 70.831); and
- (4) Makes MAEG units eligible for state grants for operating costs if certain conditions are met (Sections 70.831, 70.833).

This proposal also authorizes the creation of law enforcement districts in Camden County to fund, promote and operate projects relating to law enforcement. Ten percent of the registered voters in a district may file a petition in circuit court requesting the creation of a district. The act sets forth the requirements and court procedure regarding the petition. A Board of Directors consisting of five elected members would govern each law enforcement district. A district may impose a property tax if approved by voters. The act outlines the legal powers of a law enforcement district, including the powers to contract, borrow money and coordinate efforts with state and local agencies.

Senate Amendment 1 would eliminate the position of Boone Country Drug Commissioner and create an associate judge position in Boone County.

Senate Amendment 2 would prohibit the Department of Revenue from releasing information from its records regarding additional classifications of peace officers and their immediate families.

Senate Amendment 3 increases the administrative handling fees which bad-check violators must pay to the local Prosecuting Attorney's office for checks with a face amount of \$100 or more. An additional fee of 10 percent of the face amount is charged with the maximum fee being \$60.

Senate Amendment 4 would require the payment of a lump sum death benefit of \$150,000 for a public safety officer who dies in the line of duty. This benefit would be paid to the surviving spouse. If there is no surviving spouse, the benefit would be shared equally by the surviving children. If there is no surviving spouse and there are no surviving children, the benefit would be

DESCRIPTION (continued)

paid to the parents.

The proposal specifies eligible public safety officers and defines "dies in the line of duty."

Senate Amendment 6 would increase the fee for the Crime Victims Compensation Fund from five to ten dollars, to be assessed in all adult and juvenile criminal cases.

This proposal would create an office for victims of crime, funded by the increase in court fees. Under existing law, a transfer of \$250,000 is required to support the operation of the state forensic laboratory. From the balance of court fees, the proposal would mandate an annual appropriation for the administrative and operational costs of the office for victims of crime. The office would coordinate and promote the state's program for victims of crime and provide channels of communication among public and private agencies and in exercising the rights afforded to crime victims. In the event of a catastrophic crime the office would, or upon the receipt of a specific request the office could, work closely with other state and local agencies to coordinate a response to meet the needs of any victims of that crime.

The office for victims of crime would coordinate efforts with statewide coalitions or organizations that are involved in efforts to provide assistance to victims of crime and reduce the incidence of domestic violence, sexual assault, or other crime victimization.

The office for victims of crime would assess and report to the governor the costs and benefits of establishing a statewide automated crime victim notification system within the criminal justice system and serve as the coordinating agency for the development, implementation and maintenance of any such system. The proposal would mandate an annual appropriation for the monthly payment of expenditures actually incurred in the operation of such system.

Senate Amendment 7 allows for sheriffs to give bond to the state with sureties within fifteen days of after being sworn into office, instead of currently, within 15 days of being elected or reelected.

Senate Amendment 10 allows the City of Kansas City to resubmit to voters a proposal to issue bonds and impose a sales tax sooner than twelve months from the date of the last proposal submitted, if submitted to the voters on or before November 6, 2001.

Senate Amendment 12 revises the training and certification requirements for peace officers, certified reserve officers and reserve officers.

Beginning January 1, 2003 any sheriff who does not hold a valid peace officer license shall refrain from personally executing any of the police powers of the office of sheriff, including but

DESCRIPTION (continued)

not limited to participation in the activities of arrest, detention, vehicular pursuit, search and interrogation. A sheriff may, however, administer the execution of police powers through duly commissioned deputy sheriffs. Exceptions to this include first term sheriffs during their first twelve months and the sheriff of St. Louis County.

Any excess funds resulting from the one dollar surcharge collected in criminal cases, payable to the Peace Officers Standard and Training Fund (POST), shall be used to pay for additional training of peace officer or other local law enforcement personnel. The proposal adds new definitions to distinguish between peace officers and reserve officers.

Commissioned peace officers must hold valid peace officer licenses. The Director of the Department of Public Safety shall establish classes of peace officers, some which may not be valid for commission within certain counties or by certain agencies. The proposal lists exceptions to licensing requirement, such as persons with no power of arrest. POST shall establish minimum standards for basic training and qualifications. POST shall also set minimum requirements for racial profiling training. A license shall automatically expire if the licensee fails to hold a commission for a period of five consecutive years.

The act requires peace officers to have 470 to 600 hours of training, with exceptions including: 1) up to 1000 hours may be required for commission by state agency;
2) persons validly licensed on effective date of section;
3) peace officers certified and commissioned in a third class county before July 1, 2002 (120 hours, if adopted by political subdivision). Basic training of every peace officer shall include at least 30 hours of training regarding domestic violence cases. The POST commission shall establish continuing education requirements.

The POST commission shall also establish minimum training standards for instructors and training centers. The Director shall license instructors and curricula. The proposal requires fingerprinting of all academy applicants, in order to conduct a criminal history check.

Each law enforcement agency shall notify the Director within 30 days after commissioning any peace officer. The Director may require criminal background checks. The Director shall be notified within 30 days after any licensed peace officer ceases to be commissioned, including whether it was due to a violation of law or regulations, or a failure to meet minimum qualifications.

The proposal lists grounds for discipline of a license, including probation, suspension or revocation, and procedure for review before Administrative Hearing Commission. The proposal allows immediate suspension when any licensee has endangered the public, and provides due DESCRIPTION (continued)

process for the officer. An applicant may be denied for the same reasons as listed for revocation or suspension.

This proposal deletes Sections 590.170 and 590.175 RSMo regarding first-term sheriff training certification.

No arrest shall be deemed unlawful solely due to licensure status of peace officer, and evidence regarding licensure cannot be received in any civil or criminal case. Records of applicants or licensees shall be closed to the public, other than name, licensure status and commissioning or employing agency. In any investigation or hearing pursuant to Chapter 590, RSMo, the Director may discover any records relating to applicant or licensee, regardless of any statutory or common law privilege.

It shall be a Class B misdemeanor to hold a commission without a valid license, or to violate any provision of Chapter 590, RSMo. Any law enforcement agency that commissions a peace officer in violation of Chapter 590, RSMo, shall not be eligible to receive state or federal funds for training of peace officers or for any other criminal justice purpose.

The proposal also removes the stipulation that each law enforcement agency shall adopt a policy on race-based traffic stops that provides for annual sensitivity training for any employees who may conduct stops of motor vehicles regarding the prohibition against racial profiling.

Senate Amendment 13 would make operation of an Internet web site that causes another person's computer to dial a long distance telephone number without that person's knowledge a class A misdemeanor unless the telephone charges exceed \$150, in which case a violation is a class C felony.

Senate Amendment 14 permits law enforcement officials to detain a person for 32 hours without charging a crime if the person has been arrested for first or second degree murder, first degree assault or robbery, forcible rape or sodomy, or distribution or manufacture of drugs. Currently, a person who is arrested for these offenses must be released within 20 hours unless charged with a crime.

The proposal has a partial emergency clause.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Public Safety
Director's Office
Missouri Highway Patrol
Division of Fire Safety
Capitol Police
Missouri National Guard
Missouri Water Patrol

Division of Police Officer Standards and Training
Division of Liquor Control
Department of Conservation
Office of the State Public Defender
Office of Prosecution Services
Office the State Courts Administrator
Department of Revenue
Department of Economic Development
Division of Finance
Division of Credit Unions
Department of Natural Resources
Department of Corrections
Department of Transportation
Office of the State Auditor
State Treasurer's Office
Department of Labor and Industrial Relations
Office of the Secretary of State
Department of Health
Office of the Attorney General
Jefferson City Police Department
St. Louis Metropolitan Police Department
Boone County Sheriff's Department
Camden County
Boone County
Office of the Jackson County Prosecuting Attorney
Office of the Boone County Prosecuting Attorney
City of Kansas City

SOURCES OF INFORMATION (continued)

NOT RESPONDING: **Cole County Sheriff**
 Kansas City Police Department



Jeanne Jarrett, CPA
Director

L.R. No. 0237-02

Bill No. SCS for HB 80 with SA1, SA2, SA3, SA4, SA6, SA7, SA10, SA11, SA12, SA13, SA14

Page 21 of 21

May 16, 2001

May 16, 2001

RAS:LR:OD (12/00)